

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONEGAL INSURANCE GROUP,

Plaintiff,

vs.

INNOVATIONS WINDOWS & SIDING,
LLC, MARY YELKEN, and PHILLIP
KOTTMAYER,

Defendants.

4:23CV3092

ORDER TO SHOW CAUSE

This matter is before the Court on its own motion after review of the docket. Plaintiff filed the Complaint on May 18, 2023. ([Filing No. 1](#)). On August 14, 2023, the Court granted Plaintiff's Motion for Alternative and Substitute Service of Defendant, Innovations Windows & Siding, LLC ("Innovations Windows"), approving Plaintiff's request to serve Innovations Windows by publication. ([Filing No. 15](#)). The Court provided Plaintiff an extension of time to September 22, 2023, to accomplish such service.

To date, Plaintiff has filed nothing further regarding the service of process upon Innovations Windows; Innovations Windows has not entered a voluntary appearances or otherwise appeared in this action; and Plaintiff has not requested further extension of time to complete service. [Federal Rule of Civil Procedure 4\(m\)](#) provides, "If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." [Fed. R. Civ. P. 4\(m\)](#). Accordingly,

IT IS ORDERED that Plaintiff shall have until **December 4, 2023**, to show cause why Defendant, Innovations Windows & Siding, LLC, should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of Innovations Windows & Siding, LLC from this action without further notice.

Dated this 16th day of November, 2023.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge